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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/535,731

01/23/2006

Naruhiro Akiyama

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OLIFF & BERRIDGE, PLC  
P.O. BOX 320850  
ALEXANDRIA, VA 22320-4850

EXAMINER

KNABLE, GEOFFREY L

ART UNIT

PAPER NUMBER

1791

NOTIFICATION DATE

DELIVERY MODE

07/08/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

OfficeAction25944@oliff.com  
jarmstrong@oliff.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/535,731	<b>Applicant(s)</b> AKIYAMA ET AL.	
	<b>Examiner</b> Geoffrey L. Knable	<b>Art Unit</b> 1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 9-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

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1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 9-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 9 and 16 have been amended to refer to “radially expanding the(a) displaceable rigid core body.” This is arguably confusing insofar as a “rigid body” cannot be expanded - i.e. individual rigid segments of a body can be each moved such that the entire drum is expanded (and the claims have been so read for purposes of the prior art rejections) but describing this as expanding a rigid body is inaccurate and confusing.

3. Claims 9–13 and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 448,407 to Yamakawa et al. taken in view of Loeffler et al. (US 4,443,290), WO 00/03867 to Blickwedel et al., Ogawa et al. (US 2002/0088529) and at least one of [Van Horn et al. (US 3,867,230 - newly cited) and Mallory (US 3,833,444 - newly cited)].

As to the amendments to claims 9 and 16, EP ‘407 does not detail the structure of the drum used to effect the toroidal carcass expansion. In this art, however, it is well known to use a drum including rigid segments (and bead locks) to provide the required toroidal expansion, use of a rigid support for the carcass providing advantages such as a more rigid surface for component stitching as compared to bladder shaping - Van Horn et al. (e.g. col. 1 and figs.) and Mallory (e.g. col. 1, lines 5-38; figs.) are exemplary.

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To use a drum including plural rigid segments to effect the toroidal shaping would therefore have been obvious and lead to only the expected and predictable results, including providing a more firm support for component stitching.

4. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over EP 448,407 to Yamakawa et al. taken in view of Loeffler et al. (US 4,443,290), WO 00/03867 to Blickwedel et al., Ogawa et al. (US 2002/0088529) and at least one of [Van Horn et al. (US 3,867,230 - newly cited) and Mallory (US 3,833,444 - newly cited)] as applied to claim 9 above, and further in view of Oku et al. (US 6,702,912) and Irie (US 6,508,640) as applied in the last office action.

5. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP EP 448,407 to Yamakawa et al. taken in view of Loeffler et al. (US 4,443,290), WO 00/03867 to Blickwedel et al. and Ogawa et al. (US 2002/0088529), at least one of [Van Horn et al. (US 3,867,230 - newly cited) and Mallory (US 3,833,444 - newly cited)], Oku et al. (US 6,702,912) and Irie (US 6,508,640) as applied to claims 9/14 above, and further in view of [Mitamura (US 6,196,819) or JP 08-281655 to Irie or JP 2002-337148 to Ito] applied for the same reasons as set forth in the last office action.

6. Applicant cannot rely upon the foreign priority papers to overcome the rejection over JP '148 because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

7. Applicant's arguments have been considered but are essentially moot in view of the new ground(s) of rejection necessitated by the amendments to the claims. The

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previous 35 USC 112 rejection has however been overcome in view of applicant's response.

Applicant's arguments stress the newly added claim feature with respect to the radial expansion of a rigid core body. This new claim feature has however been addressed with the newly applied prior art evidencing that it is known and conventional in this art to toroidally expand a tire carcass using a body formed from rigid segments.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey L. Knable whose telephone number is 571-272-1220. The examiner can normally be reached on M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Geoffrey L. Knable/  
Primary Examiner, Art Unit 1791

G. Knable  
July 5, 2010